

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143
Honorable T.S. Ellis, III

Pretrial conference: Jan. 15, 2021
Trial: Feb. 9, 2021

**MR. ZACKARY ELLIS SANDERS'S MOTION *IN LIMINE* TO PRECLUDE LAY
OPINION TESTIMONY ABOUT FORENSIC EXAMINATIONS**

Mr. Zackary Ellis Sanders, by and through counsel, pursuant to Rule 701 and 702 of the Federal Rules of Evidence, respectfully moves this Court to preclude any of the Government's witnesses from offering layperson opinion testimony about the forensic examination of seized devices.¹ This Motion is supported by a Memorandum in Support.

Respectfully submitted,

/s/
Jonathan Jeffress (#42884)
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Counsel for Defendant Zackary Ellis Sanders

¹ The defense respectfully reserves the right to conduct expert voir dire at trial and to lodge any objections to qualifications and reliability at that time.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December 2020, the foregoing was served electronically on the counsel of record through the U.S. District Court for the Eastern District of Virginia Electronic Document Filing System (ECF) and the document is available on the ECF system.

/s/ Emily Voshell
Emily Voshell

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[PROPOSED] ORDER

Upon consideration of Mr. Zackary Ellis Sanders's Motion *in Limine* to Preclude Lay Opinion Testimony about Forensic Examinations ("Motion"), any Government opposition thereto, and the entire record in this matter, it is for good cause shown,

ORDERED, that Mr. Zackary Ellis Sanders's Motion is **GRANTED**; and it is further

ORDERED, that none of the Government's three proffered experts can offer lay opinions about the forensic examinations of the seized devices.

THE HONORABLE T.S. ELLIS

Date: _____

Alexandria, Virginia